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EXAMINER

THERIAULT, STEVEN B

ART UNIT

PAPER NUMBER

2179

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/689,804	Applicant(s) SANDERS ET AL.	
	Examiner Steven B. Theriault	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-89 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19,22-24,36,39,53,56,64 and 67-74 is/are allowed.
- 6) ☒ Claim(s) 1-18,20,21,25-35,37,38,40-52,54,55,57-63,65,66 and 75-89 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to the following communications: Amendment filed on 03/03/2006.

**This action is made final.**

2. Claims 1-89 are pending in the case. Claims 1, 5, 25, 42 and 57 and 68 and 75 are the independent claims. Claims 82-89 are new claims

### **Double Patenting**

3. The applicant has amended the scope of the two independent claims and is such a way that the double patenting rejection no longer applies.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Dependent claims 76-81 are rejected for being improper hybrid claims. The claims contain both method and system as the subject matter, since in line 1 of claim 75 from which 76-81 depend shows, 'the method as defined...' claims a method and in line 1 of claim 28, "The system of". See Ex parte Lyell, 17 USPQ2d 1548.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2179

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. **Claims 1-4, 25-35, 37-38, 40-41 and 82 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Katsurabayashi et al (hereinafter Katsurabayashi) U.S. Patent No. 5,996,002 issued Nov. 30, 1999 and filed Jul. 23, 1997.**

In regard to **Independent claim 1**, Katsurabayashi teaches a system for transferring knowledge between a plurality of users with a shared drawing surface, the system comprising:

a moderator workstation and a plurality of participant workstations, each workstation programmed to provide a work area with a moderator layer, a participant layer and composite thereof. (Katsurabayashi column 7, lines 35-67 and column 8, lines 55-67 and column 18, lines 40-60).

Wherein each participant's moderator layer is dedicated to input from the moderator's moderator layer; and wherein the moderator workstation is programmed to obtain an object from a selected participants participant layer and include the object in the moderator work area, and further programmed to cause the object to be forwarded to the other participants (Katsurabayashi column 7, lines 35-65 and column 13, lines 15-25 and column 15, lines 40-67).

**In the alternative, if the "main, background, participant and moderator layer and composite layer" is interpreted as meaning "a layer constitutes data for one screen image and where multiple images and layers can exist on the display overlapped ", then the following rejection applies.** Katsurabayashi teaches a display where the page in the display is comprised of a spatial series of layers. Katsurabayashi teaches a display layer, which can be considered the main layer. Katsurabayashi further teaches a un-display layer which can be considered a background layer in which the display image can be un-displayed or faded into the background by the user. Katsurabayashi teaches an integrated layer and also teaches a writing layer which apply to both the participant and the moderator and is considered a merged layer or integrated layer (Katsurabayashi column 7, lines 35-67 and column 8, lines 1-10). Katsurabayashi teaches that the system allows a user to place the mode of operation in either the asynchronous mode, which means a non-sharing state and a synchronous mode, which means a sharing state. Katsurabayashi teaches the user is allowed to create any number of layers during the conference by adjusting or drawing on the previously shared image. Each adjusting will be stored on the individual computer as a series of layer data in which the user can then change the mode to synchronous and given they have permission to update the shared area they can apply the changes they have made by adding the layers

to the shared image. Therefore, while a moderator, participant and composite layer are not expressly mentioned, it would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Katsurabayashi, because of the taught advantage of utilizing layer control and the page composition of a plurality of layers where a given layer is not only associated with a given image but also a user as shown in the data structure in Figure 5 "operator" and because of the suggestion being able to merge the layers into an integrated view that is stored on each individual desktop.

With respect to **dependent claims 2-4**, Katsurabayashi teaches the system wherein each work area further includes a background layer and a main layer, the main layer being a composite of the moderator layer, participant layer and background layer:

(Katsurabayashi column 8, lines 1-5 and 21-35) Katsurabayashi teaches that all of the individual data is stored separately and merged with the shared data into the display during the user selected transmission time. Further, Katsurabayashi teaches a chairman giving a discussion and where the same chairman is the only person granted access permission to the shared workspace, where the shared space is a combination layer of all of the participants. Within the combination layer there is a display or undisplay layer that is in the background (See column 7, lines 55-60).

Wherein each participant work area comprises functionality to create a participant erase object, the participant erase object defining an area of the shared drawing surface in which a corresponding portion of the participant layer is replaced with a corresponding portion of the background layer, and a corresponding portion of the main layer is replaced with a corresponding portion of the moderator layer (Katsurabayashi column 7, lines 7-25 and column 16, lines 41-55) Katsurabayashi teaches a plurality of work areas on separate and individual machines and where the individual submits at submission time a writing layer (main) into the shared work area. Katsurabayashi teaches where the writing layer becomes the other layer of the main display at submission time. Further, Katsurabayashi teaches a variety of methods to create an integrated layer on the display and where an

individual image comprises a layer and where the integrated layer can be a compilation of all of the layers within a display or the layers that the user chooses to combine. The user can combine the layers in any order or particular design they choose as each layer has a specific ID and control to integrate or not. Katsurabayashi further teaches a undisplay layer and permissions associated with a layer and space where the user can undisplay any layer they have permissions to within the display. Therefore, Katsurabayashi teaches the ability to have a given user incorporate any layer into the shared space they wish and then undisplay the same layer, which is an erase option and depending on the mode of the workstation the user could be the moderator or the participant.

In regard to **Independent claim 25**, Katsurabayashi teaches a network of computers programmed for knowledge transfer in a group setting, the network comprising:

- *A plurality of participant workstations, each programmed to provide a participant work area and having at least one corresponding participant input-device, and each of the participant input-devices being adapted to create data structures defining participant images that are then included on the participant work area; (Katsurabayashi Figure 12) shows a plurality of workstations and where the user can switch the computer to asynchronous mode which allows the user to have a private space. Katsurabayashi further teaches the input of images in the work area and where the system records media as it is input in the display through input devices such as a microphone, camera and mouse etc.*
- *A moderator workstation, programmed to provide a moderator work area and comprising at least one moderator input-device, the at least one moderator input-device being adapted to:*
  - *Create data structures defining moderator images that are then included on the moderator work area, and*
  - *Select moderator images that are then simultaneously included on each of plurality of participant work areas;*

(Katsurabayashi column 7, lines 7-35 and column 8, lines 20-45)

Katsurabayashi teaches an individual can retain the permission to update the shared area while all other participants would not have the permission to update. By updating the shared space a CEO could give a discussion and use the input device while all others watch the presentation in synchronous mode. The CEO could switch back and forth between synchronous and asynchronous mode to create and draw on the space and then submit the changes to shared space, which would then be presented on the shared space of every individual.

- Wherein the moderator work area comprises a moderator layer, a participant layer and a composite layer thereof (Katsurabayashi column 7, lines 35-67 and column 8, lines 55-67 and column 18, lines 40-60).
- Wherein each participant's moderator layer is dedicated to input from the moderators moderator layer; and wherein the moderator workstation is programmed to include objects from different participant layers in the moderator participant layer (Katsurabayashi column 7, lines 35-67 and column 8, lines 55-67 and column 18, lines 40-60).

With respect to **dependent claim 26**, Katsurabayashi teaches the network wherein the network can be used in a group mode and a standalone mode (Katsurabayashi column 7, lines 5-40) Katsurabayashi teaches the system allows each user to control the sharing mode from either asynchronous to synchronous. Further, Katsurabayashi teaches that all of the users can be synchronous or where any combination of users can be in asynchronous mode, which would include one user in asynchronous and the others in synchronous.



With respect to **dependent claims 27 - 28**, Katsurabayashi teaches the network wherein the workstations are located such that a first user positioned to use a workstation and a second user positioned to use a different workstation can hear each other speak (Katsurabayashi column 8, lines 1-15 and column 20, lines 40-50 Katsurabayashi teaches the recording and playback of multimedia which includes video and audio and the use of a microphone. The data is stored into the individual layers and submitted by the user each time they make a change or contribution. Further, Katsurabayashi teaches the playback time starts after the playback is invoked, which as the user is in synchronous mode would be immediately. Therefore, each user on the network can hear a specific person that has permission to update the shared space or all of the users that have permission.

With respect to **dependent claim 29**, Katsurabayashi teaches the network wherein the data structures defining the images are organized in notebook data structures comprising at least one panel (Katsurabayashi column 23, lines 1-32) Katsurabayashi teaches a screen where the layers are displayed in a sequence depicting a discussion flow or group opinion flow. The sequencing of opinions show how the discussion changed points 9column 24, lines 60-67) which is analogous to writing in a notebook as a sequence of steps.

With respect to **dependent claim 30**, Katsurabayashi teaches the network wherein the data structures defining the images comprise at least one object in a single panel (Katsurabayashi Figure 3) Katsurabayashi teaches a single page comprised of a plurality of layers with at least one object in the panel. Column 7, lines 35-67).

With respect to **dependent claims 31 and 32**, Katsurabayashi teaches the network wherein images placed on a participant's work area at a participant workstation may be viewed only at that workstation unless an instruction to permit the images to be viewed from another workstation is given at the participant workstation providing the participant's work area (Katsurabayashi column 7, lines 5-25 and column 8, lines 1-5 and column 13, lines 1-5) Katsurabayashi teaches the individual submits the request to be in either the synchronous or asynchronous mode. While in the asynchronous mode no other person can see the space on the individual workstation without permission. Katsurabayashi also teaches where the data sent is transferred over the network of computers (see figure 2 and column 24, lines 25-30).

With respect to **dependent claims 33 - 35**, Katsurabayashi teaches the network further comprising collision-correction functionality **In the alternative, if the “view mode” is interpreted as meaning “a layer control exists to allow a user to undisplay or control what is displayed and when ”, then the following rejection applies.** In the present application specification, the applicant defines collision control as permitting users to work around collisions as they occur in the workspace and where participants can toggle through modes showing the layer with the collision of images, with only the first image submitted and the shared space (see page 10, Para 3 and 4). Katsurabayashi teaches the ability to control through a layer control and undisplay mode the display of images. Taken in combination with the asynchronous and synchronous control the users would be able to work around conflicts by adjusting the layers visible or non-visible and adjusting which layers are sent to the workspace when a collision occurs (Column 7, lines 5-40 and column 11, lines 25-45 and column 12, lines 1-36).

With respect to **dependent claims 37**, Katsurabayashi teaches the network further comprising collision-avoidance functionality (Katsurabayashi column 23, lines 50-67)

Katsurabayashi teaches a collision avoidance mechanism where collision are avoided through a permission mechanism.

With respect to **dependent claim 38**, Katsurabayashi teaches the network wherein the collision-avoidance functionality comprises an area on the participant's work area that does not have a corresponding location to any location on the shared work area (Katsurabayashi column 7, lines 65-67 and column 8, lines 1-5 and column 12, lines 14-24). Katsurabayashi teaches the ability of a user to designate a layer that is to be displayed or not and therefore a given participant can write on a layer and not submit the layer and mark it to not be displayed which would be a margin area that is not displayed on the shared workspace.

With respect to **dependent claim 40**, Katsurabayashi teaches the network wherein each participant work area comprises a main layer, a background layer, a participant layer, and a moderator layer **In the alternative, if the “main, background, participant and moderator layer” is interpreted as meaning “a layer constitutes data for one screen image and where multiple images and layers can exist on the display overlapped ”, then the following rejection applies.** Katsurabayashi teaches a network of computers (see Figure 2). Katsurabayashi also teaches a display where the page in the display is comprised of a spatial series of layers. Katsurabayashi teaches a display layer, which can be considered the main layer. Katsurabayashi further teaches a un-display layer which can be considered a background layer in which the display image can be un-displayed or faded into the background by the user. Katsurabayashi teaches an integrated layer and also teaches a writing layer which apply to both the participant and the moderator (Katsurabayashi column 7, lines 35-67 and column 8, lines 1-10). Katsurabayashi teaches that the system allows a user to place the mode of operation in either the asynchronous mode, which means a non-sharing state and a synchronous

mode, which means a sharing state. Katsurabayashi teaches the user is allowed to create any number of layers during the conference by adjusting or drawing on the previously shared image. Each adjusting will be stored on the individual computer as a series of layer data in which the user can then change the mode to synchronous and given they have permission to update the shared area they can apply the changes they have made by adding the layers to the shared image.

With respect to **dependent claim 41**, Katsurabayashi teaches the network wherein the collision-avoidance functionality comprises providing a margin on the participant layer that does not overlap with either of the background layer and moderator layer (Katsurabayashi column 7, lines 5-45 and 65-67 and column 8, lines 1-5 and column 19, lines 5-20) Katsurabayashi teaches that user permissions control the access to a shared area and collision avoidance. Katsurabayashi also teaches where there are layers within a page and where the user has the choice to set a page layer to display or not. Further, Katsurabayashi teaches that a given page is a combination of shared and individual data and when a user move the mode of the application into asynchronous then the user is not sharing with other but has shared data in the area. The user also has the ability of layer control where they can choose which layers are integrated or not which would allow for a layer to be created and does not overlap the moderator or background layer (column 12, lines 5-50).

With respect to **dependent claim 82**, Katsurabayashi wherein the moderator area has a single participant layer for objects received from the plurality of participant work areas (Katsurabayashi column 7, lines 35-67 and column 11, lines 10-15 and column 12, lines 1-22).

Art Unit: 2179

8. Claims 5-18, 20-21, 42-52, 54, 55, 57-63, 65-66, 75-81 and 83 - 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsurabayashi et al (hereinafter Katsurabayashi) U.S. Patent No. 5,996,002 issued Nov. 30, 1999 and filed Jul. 23, 1997, in view of Mattaway et al. (hereinafter Mattaway) U.S. Patent No. 6,728,784 issued Apr. 27, 2004 and filed Aug. 21, 1997.

In regard to **Independent claim 5**, Katsurabayashi teaches a network of computers programmed for knowledge transfer in a group setting, the network comprising:

- *A plurality of participant workstations, each programmed to provide a participant work area and having at least one corresponding participant input-device, and each of the participant input-devices being adapted to create data structures defining participant images that are then included the participant work area;*(Katsurabayashi Figure 12) shows a plurality of workstations and where the user can switch the computer to asynchronous mode which allows the user to have a private space. Katsurabayashi further teaches the input of images in the work area and where the system records media as it is input in the display through input devices such as a microphone, camera and mouse etc.
- *A moderator workstation, programmed to provide a moderator work area and comprising at least one moderator input-device, the at least one moderator input-device being adapted to:*
  - *Create data structures defining moderator images that are then included in the moderator work area, and sent to the database on the at least one server, and*
  - *To select moderator images that are then sent from the at least on server and included on each of plurality of participant work areas;*  
(Katsurabayashi column 7, lines 7-35 and column 8, lines 20-45)

Katsurabayashi teaches an individual can retain the permission to update the shared area while all other participants would not have the permission to update. By updating the shared space a CEO could give a discussion and use the input device while all others watch the presentation in synchronous

mode. The CEO could switch back and forth between synchronous and asynchronous mode to create and draw on the space and then submit the changes to shared space, which would then be presented on the shared space of every individual.

- *Wherein the moderator input-device is further adapted to retrieve participant images from the database on the at least one server from any selected one of the plurality of participant work areas that are then included on the moderator work area (Katsurabayashi column 9, lines 50-67 and column 10, lines 9-57) Katsurabayashi teaches the ability to control the process of sending a layer to others at intervals or with instruction and Katsurabayashi teaches the ability to request access to information in the shared space which would allow someone to make a request for information from participant where a layer is stored on an individual machine and the file is sent to the requestor.*

Katsurabayashi does not expressly teach:

- *A server comprising a database and wherein each workstation being programmed to send data structures to the database on the at least on server Katsurabayashi teaches a network of computers connected together for the purpose of group collaboration and for storing individual and shared images, video, audio and media as layers in memory separately (Katsurabayashi Fig. 1, 2, 3, 4A and column 9, lines 5-35) and where the data has a structure and is retrieved from storage as data structures (Katsurabayashi fig.4a-4b and column 9, lines 5-15). However, Katsurabayashi does not teach that the database is on a given server. Mattaway teaches a collaboration system that allows users to store information in a public and private workspace along with a moderator work area where the purpose of the application is to let peer to peer applications*

that communicate primarily on a dedicated network to communicate in a networked environment complete with servers and databases in a packet based environment (see column 5, lines 58-67) Mattaway and Katsurabayashi are analogous art because they are from the same field of endeavor of collaboration systems, they both have public and shared work areas and they both teach a process of creating and storing images created by individual users for the purposes of retrieving the exact order in which the images were created.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Mattaway to Katsurabayashi for the purposes of modifying the system of Katsurabayashi to incorporate the packet based network to allow communications with a server on a database. The motivation to combine comes from the express suggestion of enabling a peer-to-peer system to communicate in a network packet based infrastructure (See column 5, lines 60-64).

With respect to **dependent claim 6**, Katsurabayashi teaches the *network wherein the moderator work area comprises a main layer, a moderator layer, a first participant layer, and a background layer* **In the alternative, if the “main, background, participant and moderator layer” is interpreted as meaning “a layer constitutes data for one screen image and where multiple images and layers can exist on the display overlapped ”, then the following rejection applies.** Katsurabayashi teaches a network of computers (see Figure 2). Katsurabayashi also teaches a display where the page in the display is comprised of a spatial series of layers. Katsurabayashi teaches a display layer, which can be considered the main layer. Katsurabayashi further teaches a un-display layer which can be considered a background layer in which the display image can be un-displayed or faded into the background by the user. Katsurabayashi teaches

Art Unit: 2179

an integrated layer and also teaches a writing layer which apply to both the participant and the moderator (Katsurabayashi column 7, lines 35-67 and column 8, lines 1-10). Katsurabayashi teaches that the system allows a user to place the mode of operation in either the asynchronous mode, which means a non-sharing state and a synchronous mode, which means a sharing state. Katsurabayashi teaches the user is allowed to create any number of layers during the conference by adjusting or drawing on the previously shared image. Each adjusting will be stored on the individual computer as a series of layer data in which the user can then change the mode to synchronous and given they have permission to update the shared area they can apply the changes they have made by adding the layers to the shared image.

With respect to **dependent claim 7**, Katsurabayashi teaches *the network, wherein each participant's workstation displays a participant's main layer, the participant's main layer being a composite of the moderator layer, the background layer, a second participant layer* (Katsurabayashi Figure 2 and column 7, lines 34-57 and column 11, lines 25-45) Katsurabayashi teaches a page on the display consists of a plurality of layers. The page layers are a writing layer (main), which consists of any number of integrated and individual layers, an undisplay layer, and other layers, which can all be controlled by the user and associated through layer and page ids. Katsurabayashi further teaches that any given page in the shared display area comprises all of the submitted individual layers at any one point of the discussion (column 16, lines 40-55).

With respect to **dependent claim 8**, Katsurabayashi teaches *the network wherein the network can be used in a group mode and a standalone mode* (Katsurabayashi column 7, lines 5-40) Katsurabayashi teaches the system allows each user to control the sharing mode from either asynchronous to synchronous. Further, Katsurabayashi teaches that all of the users can be synchronous or where any combination of users can be in



Art Unit: 2179

asynchronous mode, which would include one user in asynchronous and the others in synchronous.

With respect to **dependent claims 9 -11**, Katsurabayashi teaches *the network, wherein the workstations are located such that a first user positioned to use a workstation and a second user positioned to use a different workstation can hear each other speak* (Katsurabayashi column 8, lines 1-15 and column 20, lines 40-50 Katsurabayashi teaches the recording and playback of multimedia which includes video and audio and the use of a microphone. The data is stored into the individual layers and submitted by the user each time they make a change or contribution. Further, Katsurabayashi teaches the playback time starts after the playback is invoked, which as the user is in synchronous mode would be immediately. Therefore, each user on the network can hear a specific person that has permission to update the shared space or all of the users that have permission.

With respect to **dependent claim 12**, Katsurabayashi teaches *the network, wherein images are organized in notebook data structures comprising at least one panel* (Katsurabayashi column 23, lines 1-32) Katsurabayashi teaches a screen where the layers are displayed in a sequence depicting a discussion flow or group opinion flow. The sequencing of opinions show how the discussion changed points 9column 24, lines 60-67) which is analogous to writing in a notebook as a sequence of steps.

With respect to **dependent claim 13**, Katsurabayashi teaches the network, wherein the images are stored as at least one object in a single panel (Katsurabayashi Figure 3) Katsurabayashi teaches a single page comprised of a plurality of layers with at least one object in the panel. Column 7, lines 35-67).

Art Unit: 2179

With respect to **dependent claims 14 – 15**, Katsurabayashi teaches *the network wherein images placed on a participant's work area at a participant workstation may be viewed only at that workstation unless an instruction to permit the images to be viewed from another workstation is given at the participant workstation providing the participant's work area and where viewing at another workstation causes data structure to be transferred to another workstation* (Katsurabayashi column 7, lines 5-25 and column 8, lines 1-5 and column 13, lines 1-5) Katsurabayashi teaches the individual submits the request to be in either the synchronous or asynchronous mode. While in the asynchronous mode no other person can see the space on the individual workstation without permission. Katsurabayashi also teaches where the data sent is transferred over the network of computers (see figure 2 and column 24, lines 25-30).

With respect to **dependent claims 16 -18**, Katsurabayashi teaches *the network further comprising collision- correction functionality and the ability to adjust the view modes* **In the alternative, if the “view mode” is interpreted as meaning “a layer control exists to allow a user to undisplay or control what is displayed and when ”, then the following rejection applies.** In the present application specification, the applicant defines collision control as permitting users to work around collisions as they occur in the workspace and where participants can toggle through modes showing the layer with the collision of images, with only the first image submitted and the shared space (see page 10, Para 3 and 4). Katsurabayashi teaches the ability to control through a layer control and undisplay mode the display of images. Taken in combination with the asynchronous and synchronous control the users would be able to work around conflicts by adjusting the layers visible or non-visible and adjusting which layers are sent to the workspace when a collision occurs (Column 7, lines 5-40 and column 11, lines 25-45 and column 12, lines 1-36).

Art Unit: 2179

With respect to **dependent claim 20**, Katsurabayashi teaches the network further comprising collision-avoidance functionality (Katsurabayashi column 23, lines 50-67) Katsurabayashi teaches a collision avoidance mechanism where collision are avoided through a permission mechanism.

With respect to **dependent claim 21**, Katsurabayashi teaches the network wherein the collision-avoidance functionality comprises a margin that does not have a corresponding location of the shared work area (Katsurabayashi column 7, lines 65-67 and column 8, lines 1-5 and column 12, lines 14-24). Katsurabayashi teaches the ability of a user to designate a layer that is to be displayed or not and therefore a given participant can write on a layer and not submit the layer and mark it to not be displayed which would be a margin area that is not displayed on the shared workspace.

In regard to **Independent claim 42**, A network of computers programmed for knowledge transfer in a group setting, the network comprising:

- *A plurality of participant workstations, each programmed to provide a participant work area and having at least one corresponding participant input-device, each of the participant input-devices being adapted to create data structures defining participant images that are then included on the participant work area;*(Katsurabayashi Figure 12) shows a plurality of workstations and where the user can switch the computer to asynchronous mode which allows the user to have a private space. Katsurabayashi further teaches the input of images in the work area and where the system records media as it is input in the display through input devices such as a microphone, camera and mouse etc.
- *A moderator workstation, programmed to provide a moderator work area and comprising at least one moderator input-device, the at least one moderator input- device being adapted to:*
  - *Create data structures defining moderator images that are then included on the moderator work area,*

Art Unit: 2179

- *To select moderator images that are then simultaneously included on each of plurality of participant work areas;*  
(Katsurabayashi column 7, lines 7-35 and column 8, lines 20-45)

Katsurabayashi teaches an individual can retain the permission to update the shared area while all other participants would not have the permission to update. By updating the shared space a CEO could give a discussion and use the input device while all others watch the presentation in synchronous mode. The CEO could switch back and forth between synchronous and asynchronous mode to create and draw on the space and then submit the changes to shared space, which would then be presented on the shared space of every individual.

- Wherein the moderator work area comprises a moderator layer, a moderator layer, a participant layer, and a background layer; containing at least one object, the moderator workstation adapted to create a composite of the moderator layer, participant layer and background layer (Katsurabayashi column 7, lines 35-65 and column 13, lines 15-25 and column 15, lines 40-67).
- Wherein each participant workstation comprises a participant's virtual drawing surface, the virtual drawing surface comprising:
  - A participant layer;
  - A moderator layer common to the moderator's work area and dedicated to input from the moderator layer of the moderators work area;  
(Katsurabayashi column 7, lines 35-65 and column 13, lines 15-25 and column 15, lines 40-67). Katsurabayashi teaches that every participant area has the shared area that is controlled by the moderator
  - A background layer common to the moderator's work area and containing at least one object; (Katsurabayashi column 7, lines 35-65 and column 13, lines 15-25 and column 15, lines 40-67)

Art Unit: 2179

- o The participant workstations each adapted to create a composite of the moderator layer, participant layer and background layer (Katsurabayashi column 7, lines 35-65 and column 13, lines 15-25 and column 15, lines 40-67) Katsurabayashi teaches an integrated layer exists as a shared layer of all of the participants and that exists on each and every workstation.

**In the alternative, if the “background, participant and moderator layer” is interpreted as meaning “a layer constitutes data for one screen image and where multiple images and layers can exist on the display overlapped”, then the following rejection applies.** Katsurabayashi teaches a display where the page in the display is comprised of a spatial series of layers. Katsurabayashi teaches a display layer, which can be considered the main layer. Katsurabayashi further teaches a un-display layer which can be considered a background layer in which the display image can be un-displayed or faded into the background by the user. Katsurabayashi teaches an integrated layer and also teaches a writing layer which apply to both the participant and the moderator (Katsurabayashi column 7, lines 35-67 and column 8, lines 1-10). Katsurabayashi teaches that the system allows a user to place the mode of operation in either the asynchronous mode, which means a non-sharing state and a synchronous mode, which means a sharing state. Katsurabayashi teaches the user is allowed to create any number of layers during the conference by adjusting or drawing on the previously shared image. Each adjusting will be stored on the individual computer as a series of layer data in which the user can then change the mode to synchronous and given they have permission to update the shared area they can apply the changes they have made by adding the layers to the shared image. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Katsurabayashi, because of the taught advantage of utilizing layer control and the page composition of a plurality of layers where a user

individual status for sharing information depends on the state of the application and permissions.

With respect to **dependent claim 43**, Katsurabayashi teaches the network wherein every user positioned to use a workstation can hear every other user positioned to use any other workstation (Katsurabayashi column 8, lines 1-15 and column 20, lines 40-50) Katsurabayashi teaches the recording and playback of multimedia which includes video and audio and the use of a microphone. The data is stored into the individual layers and submitted by the user each time they make a change or contribution. Further, Katsurabayashi teaches the playback time starts after the playback is invoked, which as the user is in synchronous mode would be immediately. Therefore, each user on the network can hear a specific person that has permission to update the shared space or all of the users that have permission.

With respect to **dependent claim 44**, Katsurabayashi teaches the network wherein data structures defining images are organized in notebook data structures comprising at least one panel (Katsurabayashi column 23, lines 1-32) Katsurabayashi teaches a screen where the layers are displayed in a sequence depicting a discussion flow or group opinion flow. The sequencing of opinions show how the discussion changed points 9column 24, lines 60-67) which is analogous to writing in a notebook as a sequence of steps.

With respect to **dependent claim 45**, Katsurabayashi teaches the network further comprising a server having a database residing thereon, and wherein the data structures defining the images are stored in the database (Katsurabayashi column 9, lines 5-15 and

Figure 2 and 4a and 4b) Katsurabayashi teaches the data is stored on a network computer on either a hard disk, memory or other storage. Katsurabayashi also teaches that the data is stored in an indexed manner and is retrieved in an indexed manner, which would indicate a database for storing information. Further, a networked computer is analogous to a server.

With respect to **dependent claims 46-48**, Katsurabayashi *teaches the network wherein images placed on a participant work area at a participant workstation may be viewed only at that workstation unless a participant decides to permit it to be viewed from another workstation* (Katsurabayashi column 7, lines 5-25 and column 8, lines 1-5 and column 13, lines 1-5) Katsurabayashi teaches the individual submits the request to be in either the synchronous or asynchronous mode. While in the asynchronous mode no other person can see the space on the individual workstation without permission. Katsurabayashi also teaches where the data sent is transferred over the network of computers (see figure 2 and column 24, lines 25-30).

With respect to **dependent claims 49 - 52**, The network, further comprising collision-correction functionality and view mode toggling and placing images on the moderator area from a request **In the alternative, if the “view mode” is interpreted as meaning “a layer control exists to allow a user to undisplay or control what is displayed and when ”, then the following rejection applies.** In the present application specification, the applicant defines collision control as permitting users to work around collisions as they occur in the workspace and where participants can toggle through modes showing the layer with the collision of images, with only the first image submitted and the shared space (see page 10, Para 3 and 4). Katsurabayashi teaches the ability to control through a layer control and undisplay mode the display of images. Taken in combination with the asynchronous and synchronous control the users would be able to work around conflicts

by adjusting the layers visible or non-visible and adjusting which layers are sent to the workspace when a collision occurs (Column 7, lines 5-40 and column 11, lines 25-45 and column 12, lines 1-36). Further, because of the ability for an individual user to control the layers by Id number and the sequence in how they are displayed and in combination with the permissions a moderator could be the only one with the permission to update and therefore would be able to display just the moderator integrated layer or be able to control the undisplay layer which is a background layer. If just one participant had access then just the participants layer would be displayed but other layers would also exist in the page and the same participant would be able to view the conflict or collision with another participant and is provided with the ability to move the image with a move command (column 15, lines 25-32).

With respect to **dependent claim 54**, Katsurabayashi *teaches the network further comprising collision-avoidance functionality* (Katsurabayashi column 23, lines 50-67). Katsurabayashi teaches a collision avoidance mechanism where collisions are avoided through a permission mechanism.

With respect to **dependent claim 55**, Katsurabayashi *teaches the network wherein the collision-avoidance functionality comprises an area on the participant layer that does not overlap with either of the moderator layer and the background layer* (Katsurabayashi column 7, lines 5-45 and 65-67 and column 8, lines 1-5 and column 19, lines 5-20). Katsurabayashi teaches that user permissions control the access to a shared area and collision avoidance. Katsurabayashi also teaches where there are layers within a page and where the user has the choice to set a page layer to display or not. Further, Katsurabayashi teaches that a given page is a combination of shared and individual data and when a user move the mode of the application into asynchronous then the user is not sharing with other but has shared data in the area. The user also has the ability of layer control where they can choose which layers are integrated or not which would allow for a



Art Unit: 2179

layer to be created and does not overlap the moderator or background layer (column 12, lines 5-50).

In regard to **Independent claim 57**, Katsurabayashi *teaches the* network of computers programmed for knowledge transfer in a group setting, the network comprising:

- *A plurality of participant workstations, each programmed to provide a participant work area and having at least one corresponding participant input-device, each of the participant input-devices being adapted to create data structures defining participant images that are then included on the participant work area;*(Katsurabayashi Figure 12) shows a plurality of workstations and where the user can switch the computer to asynchronous mode which allows the user to have a private space. Katsurabayashi further teaches the input of images in the work area and where the system records media as it is input in the display through input devices such as a microphone, camera and mouse etc.
- *A moderator workstation, programmed to provide a moderator work area and comprising at least one moderator input-device, the at least one moderator input-device being adapted to:*
  - *Create data structures defining moderator images that are then included on the moderator Work area,*
  - *To select moderator images that are then simultaneously included on each of the plurality of participant work areas;*

(Katsurabayashi column 7, lines 7-35 and column 8, lines 20-45)

Katsurabayashi teaches an individual can retain the permission to update the shared area while all other participants would not have the permission to update. By updating the shared space a CEO could give a discussion and use the input device while all others watch the presentation in synchronous mode. The CEO could switch back and forth between synchronous and asynchronous mode to create and draw on the space and then submit the

Art Unit: 2179

changes to shared space, which would then be presented on the shared space of every individual.

- *Wherein the moderator work area comprises a moderator layer, a participant layer, a background layer, and a main layer containing image from the other layers; Wherein each participant work area comprises:*
  - *A participant layer,*
  - *A moderator layer common to the moderator work area;*
  - *A background layer common to the moderator work area and a main layer containing images of the other layers;*

**In the alternative, if the “main, background, participant and moderator**

**layer” is interpreted as meaning “a layer constitutes data for one screen**

**image and where multiple images and layers can exist on the display**

**overlapped ”, then the following rejection applies.** Katsurabayashi teaches a

display where the page in the display is comprised of a spatial series of layers

that has a integrated and shared layer that is a composite of all of the other

layers from the participants and the moderator. Katsurabayashi teaches a display

layer, which can be considered the main layer. Katsurabayashi further teaches a

un-display layer which can be considered a background layer in which the

display image can be un-displayed or faded into the background by the user.

Katsurabayashi teaches an integrated layer and also teaches a writing layer

which apply to both the participant and the moderator (Katsurabayashi column 7,

lines 35-67 and column 8, lines 1-10). Katsurabayashi teaches that the system

allows a user to place the mode of operation in either the asynchronous mode,

which means a non-sharing state and a synchronous mode, which means a

sharing state. Katsurabayashi teaches the user is allowed to create any number

of layers during the conference by adjusting or drawing on the previously shared

image. Each adjusting will be stored on the individual computer as a series of

layer data in which the user can then change the mode to synchronous and given

they have permission to update the shared area they can apply the changes they

have made by adding the layers to the shared image. Therefore, it would have

been obvious to one of ordinary skill in the art at the time of the invention, in view of Katsurabayashi, because of the taught advantage of utilizing layer control and the page composition of a plurality of layers where a user individual status for sharing information depends on the state of the application and permissions.

- *Wherein the moderator input-device is further adapted to select participant layers from any of the participant workstations that are then included in the moderator's participant layer, (Katsurabayashi column 9, lines 50-67 and column 10, lines 9-57) Katsurabayashi teaches the ability to control the process of sending a layer to others at intervals or with instruction and Katsurabayashi teaches the ability to request access to information in the shared space which would allow someone to make a request for information from participant where a layer is stored on an individual machine and the file is sent to the requestor.*
- *Wherein the moderator workstation is further programmed to erase a portion of the moderator work area selected by the user, the erasure being performed by replacing the corresponding portion of the moderator layer with the corresponding portion of the background layer and replacing the corresponding portion of main layer with the corresponding portion of the participant layer, whereby images created by the moderator may be erased from the display while maintaining the display of both background images and images from participants.* (Katsurabayashi column 15, lines 39-67 and column 16, lines 1-67 and column 18, lines 40-51 and Figure 17).

With respect to **dependent claims 58 and 59**, Katsurabayashi teaches the network wherein images placed on a participant's work area at a participant workstation may be viewed only at that workstation unless an instruction to permit the images to be viewed from another workstation is given at the participant workstation providing the participant's

*work area* (Katsurabayashi column 7, lines 5-25 and column 8, lines 1-5 and column 13, lines 1-5). Katsurabayashi teaches the individual submits the request to be in either the synchronous or asynchronous mode. While in the asynchronous mode no other person can see the space on the individual workstation without permission. Katsurabayashi also teaches where the data sent is transferred over the network of computers (see figure 2 and column 24, lines 25-30).

With respect to **dependent claim 60 - 63**, Katsurabayashi teaches the network further comprising collision-correction functionality and layers and relocating images. **In the alternative, if the “view mode” is interpreted as meaning “a layer control exists to allow a user to undisplay or control what is displayed and when ”, then the following rejection applies.** In the present application specification, the applicant defines collision control as permitting users to work around collisions as they occur in the workspace and where participants can toggle through modes showing the layer with the collision of images, with only the first image submitted and the shared space (see page 10, Para 3 and 4). Katsurabayashi teaches the ability to control through a layer control and undisplay mode the display of images. Taken in combination with the asynchronous and synchronous control the users would be able to work around conflicts by adjusting the layers visible or non-visible and adjusting which layers are sent to the workspace when a collision occurs (Column 7, lines 5-40 and column 11, lines 25-45 and column 12, lines 1-36). Further, because of the ability for an individual user to control the layers by Id number and the sequence in how they are displayed and in combination with the permissions a moderator could be the only one with the permission to update and therefore would be able to display just the moderator integrated layer or be able to control the undisplay layer which is a background layer. If just one participant had access then just the participants layer would be displayed but other layers would also exist in the page and the same participant would be able to view the conflict or collision with another

Art Unit: 2179

participant and is provided with the ability to move the image with a move command (column 15, lines 25-32).

With respect to **dependent claim 65**, Katsurabayashi teaches the network further comprising collision-avoidance functionality (Katsurabayashi column 23, lines 50-67). Katsurabayashi teaches a collision avoidance mechanism where collisions are avoided through a permission mechanism.

With respect to **dependent claim 66**, Katsurabayashi teaches the network wherein the collision-avoidance functionality comprises an area on the participant layers that does not overlap with either the background layer or the moderator layer (Katsurabayashi column 7, lines 5-45 and 65-67 and column 8, lines 1-5 and column 19, lines 5-20) Katsurabayashi teaches that user permissions control the access to a shared area and collision avoidance. Katsurabayashi also teaches where there are layers within a page and where the user has the choice to set a page layer to display or not. Further, Katsurabayashi teaches that a given page is a combination of shared and individual data and when a user move the mode of the application into asynchronous then the user is not sharing with other but has shared data in the area. The user also has the ability of layer control where they can choose which layers are integrated or not which would allow for a layer to be created and does not overlap the moderator or background layer (column 12, lines 5-50).

**The examiner notes the 112 rejection above and will make the correction to claim 75 as amended to a method claim. However, the examiner anticipates corrections to the dependent claims 76-81 and will not attempt to correct the claims to be a system or method.**

In regard to **Independent claim 75**, Katsurabayashi teaches the method for facilitating knowledge transfer in a group setting comprising:

- Connecting the at least one server to a plurality of participant workstations, each comprising: at least one participant display device; at least one participant input device; (Katsurabayashi Figure 2) Katsurabayashi teaches an input device and a display.
- *A participant virtual drawing surface, comprising: at least one participant input device being adapted to permit the participant to create data structures defining images on the participant virtual drawing surface that are displayed on the at least one participant display device; (Katsurabayashi Figure 3 and 30 and column 24, lines 30-40). Katsurabayashi teaches a virtual drawing surface and a pen computing system. A moderator workstation, comprising: at least one moderator display device; at least one moderator input-device; a moderator virtual drawing surface, comprising: a main layer; a moderator layer; a participant layer; a background layer; the at least one moderator input device being adapted to create data structures that are organized into the moderator layer and defining images that are displayed on the at least one moderator display device and on each of the at least one participant display devices;*
- Connecting the at least one server to a moderator workstation comprising:
  - At least one moderator display device and input device and virtual drawing surface (column 5, lines 35-67).
- *The at least one moderator input device being adapted to create data structures defining images on the moderator virtual drawing surface that are displayed in the at least one moderator display device and on each of the at least participant devices (Katsurabayashi Figure 1 and 2) Katsurabayashi*

Art Unit: 2179

teaches a input device and a display and where a moderator as well as a participant have a drawing surface that is displayed on all of the others.

- Sending data structures from the moderator workstation to the database on the at least one server and therefrom to the participant workstation for display on the participant display devices; and sending data structures from participant workstations to the database on the at least one server and therefrom to the moderator workstation

Katsurabayashi does not expressly teach:

- *A server comprising a database and wherein each workstation being programmed to send data structures to the database on the at least one server* Katsurabayashi teaches a network of computers connected together for the purpose of group collaboration and for storing individual and shared images, video, audio and media as layers in memory separately (Katsurabayashi Fig. 1, 2, 3, 4A and column 9, lines 5-35) and where the data has a structure and is retrieved from storage as data structures (Katsurabayashi fig.4a-4b and column 9, lines 5-15). However, Katsurabayashi does not teach that the database is on a given server. Mattaway teaches a collaboration system that allows users to store information in a public and private workspace along with a moderator work area where the purpose of the application is to let peer to peer applications that communicate primarily on a dedicated network to communicate in a networked environment complete with servers and databases in a packet based environment (see column 5, lines 58-67) Mattaway and Katsurabayashi are analogous art because they are from the same field of endeavor of collaboration systems, they both have public an shared work areas and they both teach a process of creating and storing images created by individual users for the purposes of retrieving the exact order in which the images were created.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Mattaway to Katsurabayashi for the purposes of modifying the system of Katsurabayashi to incorporate the packet based network to allow communications with a server on a database. The motivation to combine comes from the express suggestion of enabling a peer-to-peer system to communicate in a network packet based infrastructure (See column 5, lines 60-64).

With respect to **dependent claim 76**, Katsurabayashi teaches the system wherein the moderator input-device is further adapted to select images on any of the plurality of participant layers that are then copied to the participant layer of moderator virtual drawing surface (Katsurabayashi column 7, lines 5-25 and column 8, lines 1-5 and column 13, lines 1-5) Katsurabayashi teaches the individual submits the request to be in either the synchronous or asynchronous mode. While in the asynchronous mode no other person can see the space on the individual workstation without permission. Katsurabayashi also teaches where the data sent is transferred over the network of computers (see figure 2 and column 24, lines 25-30). Katsurabayashi also teaches a copy command where information is copied into a specified layer (column 15, lines 20-30).

With respect to **dependent claim 77**, Katsurabayashi teaches the system further comprising at least one member of the set consisting of a video recording device and an audio recording device (Katsurabayashi column 8, lines 5-10) Katsurabayashi teaches the a video and audio recording device.

With respect to **dependent claim 78**, Katsurabayashi teaches the system of claim wherein a session can be replayed on the moderator display device and on each of the at least one participant display devices by adding images corresponding to the data



structures to a composite image in the order the data structures were created (Katsurabayashi column 23, lines 1-35) Katsurabayashi teaches the ability to sequence and replay a series of images as they are ordered by a particular user. The process of ordering would include the ability to select, delete and add images to place in a specific sequence.

With respect to **dependent claim 79**, Katsurabayashi teaches the system further comprising at least one member of the set consisting of a video recording device and an audio recording device (Katsurabayashi column 8, lines 5-10) Katsurabayashi teaches the a video and audio recording device.

With respect to **dependent claim 80**, Katsurabayashi teaches the system wherein the images corresponding to the data structures can be added to the composite image one at a time in response to an instruction (Katsurabayashi column 9 lines 35-50) Katsurabayashi teaches the data can be submitted in intervals or per instruction by the user which would allow for the user to enter one image at a time.

With respect to **dependent claim 81**, Katsurabayashi teaches the system further comprising:

- At least one member of the set consisting of a video playback device and an audio playback device; (Katsurabayashi column 8, lines 5-10)  
Katsurabayashi teaches the video and audio recording device.
- Wherein a recording can be played back on the member of the set in synchronization with the data structures, such that the images corresponding to the data structures are added to the composite image at points in time corresponding to the points in the recording where the data structures were created (Katsurabayashi column 12, lines 1-5 and column 21, lines 30-40)

Art Unit: 2179

and column 24, lines 15-21) Katsurabayashi teaches where the layers are arranged in a sequence to be determined by the user and where a audio recording occurs with the layer of creation so comments are attached to the image of focus and where the audio/video timing occurs at the same time the image or focal point is created.

With respect to **dependent claim 83**, Katsurabayashi teaches the network wherein each participant workstation is further programmed to erase a portion of the participant work area selected by the user, the erasure being performed by replacing the corresponding portion of the participant layer with the corresponding portion of the background layer and replacing the corresponding portion of the main layer with the corresponding portion of the moderator layer, whereby images created by the participant may be erased from the display while maintaining the display of both background images and images from the moderator (Katsurabayashi Figure 27)

In regard to **claims 84-89**, claims 84-89 are directed to same subject matter as claims 2, 5 and 42 and in view of the following are rejected along the same rationale.

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re *Heck*, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re *Lemelson*, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

### ***Allowable Subject Matter***

9. Claims **19, 22-24, 36, 39, 53, 56, 64, 67-74** are allowed.
10. The following is a statement of reasons for the indication of allowable subject matter:

Art Unit: 2179

With respect to **dependent claims 19, 36, 53, 64, 72**, Katsurabayashi in view of McArdle teach/disclose the movement of images in a collaborative workspace that have private and public areas that are scrollable by the users. The prior art also teaches access rights to objects preventing overwrites in those areas.

The prior art fails to disclose or suggest the automatic relocation of images that occur automatically when a collision of two images in the same location on the workspace occurs.

Accordingly, claims 19, 36, 53, 64, and 72 are allowable subject matter.

With respect to **dependent claims 22-24, 39, 56, 67-74** Katsurabayashi in view of McArdle teach/disclose collision avoidance functionality where permissions are granted to certain users thus allowing for an organized submission of information.

The prior art fails to teach where the collision-avoidance functionality comprises functionality that permits the participant to place footnote images on the participant work area that provide a link between the footnote images and corresponding images placed on a portion of the participant work area that is not superimposed on the shared work area as recited in the claims.

Accordingly, claims 22, 23, 39, 56, and 67-74 are allowable subject matter.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-89 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Art Unit: 2179

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. Theriault whose telephone number is (571) 272-5867. The examiner can normally be reached on M-F 7:30 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2179

SBT

BA HUYNH  
PRIMARY EXAMINER